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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,243	02/05/2001	Robert Darrell Olson	D-17999-1	2350

22515 7590 01/15/2004

THE DOW CHEMICAL COMPANY  
INTELLECTUAL PROPERTY SECTION  
2301 N BRAZOSPORT BLVD  
FREEPORT, TX 77541-3257

EXAMINER

TESKIN, FRED M

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 01/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

# Office Action Summary

Application No.  
09/777,243

Applicant(s)  
Olson, et al.

Examiner  
Fred Teskin

Art Unit  
1713



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE TWO (2) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 22, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15, 16, and 18-39 is/are pending in the application.
- 4a) Of the above, claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-39 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 5, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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1. Claims 15, 16 and 18-39 remain pending.
2. Applicants' election "with traverse" of the invention of Group II, claims 18-39, in the response of October 22, 2003 (paper no. 6) is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election is treated as an election without traverse. See MPEP 818.03(a).
2. Claims 15 and 16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as drawn to a nonelected invention. Election was made **without** traverse in paper no. 6.
3. The disclosure is objected to because of the following informalities: the cross-reference information provided on page 1 should be updated to include the present status of the parent application.
4. The drawings are objected to because of an error in the legend designating Fig. 5: the number "10" apparently should read -8- in accordance with the description of the figure (see, e.g., page 10, line 1) and the number of profile lines (8) actually depicted.

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5. With respect to Figure 5, a proposed drawing correction is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Hartley et al is cited as pertinent to the optimization of a product discharge or removal system in a fluidized bed polymerization reactor, to maintain desired production rates while minimizing losses of cycle gas (note col. 3, lines 27+).

7. Claims 18-39 are deemed allowable over the prior art of record. Effecting recycle by dividing or splitting a recycle stream into at least two streams which are directed to different areas of a fluidized bed polymerization reactor in accordance with claims 18, 26, 32 and 36, or controlling the recycle split as a function of liquid in at least one product discharge tank as per claim 39, is not disclosed nor fairly suggested in the prior art identified or located as of the date of this Office action.

8. This application is in condition for allowance except for the following formal matters: correction of the informalities

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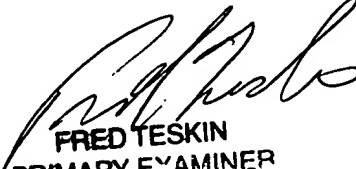
underlying the objections to the disclosure and the drawings, as set out supra.

9. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE TWO (2) MONTHS FROM THE DATE OF THIS LETTER.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
FRED TESKIN  
PRIMARY EXAMINER  
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FMTeskin/01-12-04